

Regular Meeting

Agenda Item #	3
Meeting Date	13 December 2004
Prepared By	Sara Anne Daines ECD Director
Approved By	Barbara B. Matthews City Manager

Discussion Item	Second Reading of Ordinance Amending City Code Chapter 6 Housing Article 4 Landlord-Tenant Relations which addresses the provision of air conditioning
Background	<p>This is the second of two required readings of an amendment which would expand the obligations of the landlord under Chapter 6 Article 4. If adopted, a landlord would be required to maintain air-conditioning in rental units to which he or she had previously provided air-conditioning or where the tenant had been allowed to install and operate their own individual AC window units. Landlords would be required to include language in their leases which would indicate whether air-conditioning was provided in the rental unit, how it was to be provided, and, if applicable, the cost for the service. If the lease were silent on the provision of air-conditioning, the amendment would allow, by right, the installation of an air-conditioning unit by the tenant. Adoption of the amendment will prevent the removal of existing air-conditioning units as a means of abating related violations of the property maintenance code.</p> <p>This is the first of two required readings of the proposed amendment. The amendment was first considered by the Council on December 6.</p>
Policy	To enforce minimum standards of health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy of rental housing residences
Fiscal Impact	Not Applicable
Attachments	Proposed Ordinance Amendment
Recommendation	To introduce the proposed amendment
Special Consideration	A two reading ordinance is required to amend the City Code.

Introduced by: Councilmember Seamens

First Reading: 6 December 2004

Second Reading:

Drafted by: Kenneth Sigman

Asst. City Attorney

Effective Date:

Draft date: November 30, 2004

ORDINANCE NO. 2004-36

Landlord Obligations and Lease Requirements Regarding Air Conditioning

WHEREAS, enforcement of the Montgomery County Property Maintenance Code resulted in the removal of air conditioning units in some rental units in the City; and

WHEREAS, the City wishes to promote the continued provision of air conditioning in rental units where air conditioning previously has been available; and

WHEREAS, the City wishes to promote the safe operation of air conditioning in residential properties; and

WHEREAS, the City wishes to ensure that landlords and tenants are aware of their rights and obligations with respect to air conditioning in rental units;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND.

SECTION 1. Chapter 6, Housing, of the *Takoma Park Code* shall be amended as follows:

Sec. 6-404. Obligations of Landlord

All Landlords shall:

(k) Provide, under the same terms and conditions, air-conditioning in rental units where tenants have previously been provided air-conditioning.

(l) Allow tenants to install and use air-conditioning units in rental units where the lease is silent regarding the installation, provision, or use of air conditioning or the lease expressly authorizes tenants to install and use air-conditioning units.

Sec. 6-405. Lease Requirements

All leases shall:

(o) Give notice to the tenant of the right to have air conditioning if air conditioning was previously available to tenants of the rental unit under the same terms

and conditions, except for a reasonable increase in fees consistent with Department regulations, as the previous tenants.

(p) State whether air conditioning is available for the rental unit and, if air conditioning is available for the rental unit, state whether the landlord or tenant will provide and maintain the air conditioning unit(s), the number and location of permitted air conditioning units, and the fees, if any, associated with the provision of air conditioning. If a lease does not include the information required by this paragraph, then the tenant shall have the right to install a window air conditioning unit in each sleeping room unless such installation would constitute a violation of any other law, and the landlord shall be responsible for the cost of installing any electrical upgrades necessary to allow use of such air conditioning units in a manner that is in compliance with the Property Maintenance Code.

[Additions to the *Code* are underlined.]

SECTION 2. This Ordinance shall be effective immediately.

Adopted this ____ day of _____, 2004, by roll-call vote as follows:

Aye:

Nay:

Absent:

Abstain: